

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

CARLOS A. MACIAS,

Plaintiff,

v.

Civil Action No. **3:24CV349**

176 JUDICIAL DISTRICT OF HARRIS COUNTY, et al.,

Defendants.

MEMORANDUM OPINION

Plaintiff, a Texas inmate, has submitted this civil action. He also has applied to proceed *in forma pauperis*. Plaintiff is incarcerated in Texas, the Defendants are located in Texas, and the events giving rise to this action are alleged to have occurred in Texas. Thus, pursuant to 28 U.S.C. § 1391(b), it appears that the proper venue for this action is in a federal district court in Texas and not in the Eastern District of Virginia. Accordingly, by Memorandum Order entered on July 22, 2024, the Court directed Plaintiff, within thirty (30) days of the date of entry thereof, to show good cause as to why the action should proceed in the Eastern District of Virginia. The Court warned Plaintiff that if he failed to respond, or failed to show good cause, the action would be dismissed without prejudice. *See* Fed. R. Civ. P. 41(b)

More than thirty (30) days have elapsed, and Plaintiff has not responded to the July 22, 2024 Memorandum Order. Accordingly, this action will be **DISMISSED WITHOUT PREJUDICE**.

An appropriate Order shall issue.

Date: 17 September 2024
Richmond, Virginia

<u>/s/</u> John A. Gibney, Jr. Senior United States District Judge
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